

05 AUG 2008



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In re Application of : DECISION
GRONLUND :
Application No.: 10/554,409 :
PCT No.: PCT/IB2004/001583 :
Int. Filing Date: 22 April 2004 :
Priority Date: 24 April 2003 :
Attorney's Docket No.: 1768-139 :
For: RECOMBINANT ALLERGEN :
:

This notification is in response to applicants' submission filed 31 March 2008, which has properly been treated as a petition under 37 CFR 1.181, and applicants' petition under 37 CFR 1.182 filed 23 April 2008.

BACKGROUND

On 22 April 2004, applicants filed international application PCT/IB2004/001583 which designated the U.S. and claimed a priority date of 24 April 2003. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 04 November 2004. The thirty-month period for paying the basic national fee in the United States expired at midnight on 24 October 2005.

On 24 October 2005, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the Basic National Fee.

On 26 January 2007, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that applicant must provide an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) and the surcharge under 37 CFR 1.492(h).

On 22 March 2007, applicants filed a submission which was accompanied by, *inter alia*, a declaration of inventors and the surcharge under 37 CFR 1.492(h).

On 26 December 2007, a Notification was mailed indicating that the declaration filed 22 March 2007 was not sufficient because it contained non-initialed alterations. The Notification

also indicated that the second-inventor's name had changed and thus a petition under 37 CFR 1.182 was required. The Notification set a two-month extendable time period for reply.

On 13 March 2008, the DO/EO/US mailed a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) indicating that the application was abandoned as to the United States of America for failure to respond to the NOTIFICATION OF MISSING REQUIREMENTS mailed 26 January 2008.

On 31 March 2008 applicants filed a "REQUEST FOR WITHDRAWAL OF NOTIFICATION OF ABANDONMENT UNDER MPEP §711.03(b)", which has properly been treated as a petition under 37 CFR 1.181.

On 23 April 2008, applicants filed a petition under 37 CFR 1.182 which was accompanied by, *inter alia*, a petition/fee for a two-month extension of time, a declaration of inventors, and a statement from Marianne van Hage.

DISCUSSION

Petition Under 37 CFR 1.181

The NOTIFICATION OF ABANDONMENT mailed 13 March 2008 was mailed in error. Accordingly, it is hereby VACATED.

Petition Under 37 CFR 1.182

In instances where an inventor has changed his or her name after the application has been filed, a petition under 37 CFR 1.182 must be submitted. The petition must include (1) the appropriate petition fee and (2) a statement signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a certified copy of the court order. MPEP § 605.04(c).

As to item (1), the petition fee has been paid.

With regard to item (2), the statement of Marianne van Hage is a statement setting forth both names (Marianne van Hage and Marianne van Hage-Hamsten) and the procedure (divorce) whereby the change of name was effected. The statement is accepted.

Declaration of Inventors

The declaration of inventors filed 23 April 2008 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.181 is GRANTED.

For the reasons set forth above, the NOTIFICATION OF ABANDONMENT mailed 13 March 2008 is VACATED.

For the reasons set forth above, the petition under 37 CFR 1.182 is GRANTED.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

/Daniel Stemmer/

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